

IN RE: PETITION FOR  
SPECIAL VARIANCE

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER

NE/S Klosterman Avenue,  
559' E of C/L Belair Road  
(4220 Klosterman Avenue)  
11th Election District  
5th Councilmanic District

\* OF BALTIMORE COUNTY  
\* Case No. 92-81-A

\*  
\* Kevin C. Fitzpatrick, et al  
\* Petitioner

\* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special variance from Section 4 A02.3.G.2.B and 4 A02.4.F.1 of the Baltimore County Zoning Regulations ("BCZR") to allow the issuance of a building permit for the construction of a single-family dwelling on the subject property.

The Petitioner, by Kevin C. Fitzpatrick, Owner, and Keith A. Randlett, the Contract Purchaser, appeared and were represented by Michael E. Marino, Esquire. Also appearing on behalf of the Petitioner was James S. Patton of James S. Patton Consultants, Ltd. There were no protestants.

Testimony indicated that the subject property is known as Lot No. 2 two as shown on the minor subdivision plat entitled "Property of James T. Neuhauser and Wife". The subject property maintains the improvement address of 4220 Klosterman Avenue. Testimony indicated that Lot No. 2 is an unimproved lot zoned DR5.5. Lot No. 1 located to the east of the subject property is improved by a single-family dwelling and Lot No. 3 located to the west of the subject property is improved by a single-family dwelling. James S. Patton, a licensed

professional engineer and certified comprehensive planner, testified that the intersection of Klosterman Avenue and Belair Road was not rated. He further testified that based upon his observation of the subject property and experience the construction of a single-family dwelling upon the subject property would have negligible impact upon any traffic at the intersection of Klosterman Avenue and Belair Road or any other intersection in the vicinity. Mr. Patton testified that the District standard (as set forth in BCZR Section 4 A02.3) was not relevant to the construction of a single-family dwelling upon the subject property. He also testified that the granting of the Petition would not adversely affect a person whose application was filed prior to the Petitioner's application in accordance with Section 4 A02.3.G.2.B of the BCZR. It was Mr. Patton's opinion that absent the granting of this variance, the subject property was undevelopable and therefore practical difficulty or hardship existed which was not of a nature caused by the Petitioner. Testimony indicated that the lot meets all other Baltimore County standards and is in compliance with the Master Plan. Finally, Mr. Patton testified that the granting of the special variance would not cause any substantial injury to the public health, safety or welfare.

Section 4 A02.4.F.1 of the BCZR provides that a special variance may be granted, after a public hearing, pursuant to the following findings:

a. That the demand or impact of the development proposed will be less than that assumed

by the district standard that would otherwise restrict or prohibit the development, or that the standard is not relevant to the development proposal; and

b. That the granting of the Petition will not adversely affect a person whose application was filed prior to the Petitioner's application in accordance with Section 4 A02.3.G.2.B.

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 4 A02.4.F.1 of the BCZR. Moreover, the Petitioner has demonstrated that practical difficulty or unreasonable hardship would result if the relief requested in the Petition was not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land and the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED BY THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY, this 23rd day of October, 1991, that the Petition for special variance from Section 4 A02.3.G.2.B and 4 A02.4.F.1 of the BCZR to permit the construction of a single-family dwelling upon Lot No. 2 of the Petitioner, in accordance with the Petitioner's Exhibit 1, be and is hereby GRANTED, subject however to the following

restrictions which are conditions precedent to the relief granted:

(1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order;

However, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reverse, the Petitioner would be required to return, and be responsible for returning, the property to its original condition.

*Timothy M. Kotroco*  
Timothy M. Kotroco  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 10/23/91  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 10/23/91  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 10/23/91  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 10/23/91  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

October 23, 1991

Michael E. Marino, Esquire  
10 E. Baltimore Street, Suite 1212  
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE  
NE/S Klosterman Avenue, 559' E of the c/l of Belair Road  
(4220 Klosterman Avenue)  
11th Election District - 5th Councilmanic District  
Kevin C. Fitzpatrick, et al - Petitioners  
Case No. 92-81-A

Dear Mr. Marino:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel  
File



## Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 4 A02.3.G.2.B and 4 A02.4.F.1 to permit the construction of a single family dwelling upon Lot 2 of the Petitioner.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
1. The effect of the proposed dwelling is less than the district standard or the standard is irrelevant.
  2. Without the requested variance, the property is not capable of being developed thereby creating practical difficulty or hardship with regard to developability.
  3. The granting of this variance will not result in injury to public health, safety or welfare or adversely affect a person whose application was filed prior to Petitioners.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s):

Kevin C. Fitzpatrick

(Type or Print Name)

*Kevin C. Fitzpatrick*

Signature

(Type or Print Name)

Address

Baltimore, Maryland 21237

City and State

Signature

Attorney for Petitioner:

Michael E. Marino, Esquire

(Type or Print Name)

*Michael E. Marino*

Signature

Ten East Baltimore Street, Suite 1212

Address

Baltimore, Maryland 21202

City and State

Attorney's Telephone No.: (301) 685-4400

Address

1107 Kennelworth Dr. Suite 300

Address

Towson, MD 21204

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Michael E. Marino, Esquire

Name Ten East Baltimore Street, Suite 1212

Baltimore, Maryland 21202 (301) 685-4400

Address

City and State

Attorney's Telephone No.

Office Use Only

ESTIMATED LENGTH OF HEARING

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO HOURS

ALL OTHER

REVIEWED BY: [Signature] DATE 11/1/91

DR-5.5 PROPERTY  
KEVIN C. FITZPATRICK  
KNOWN AS 4220 KLOSTERMAN AVENUE  
ELECTION DISTRICT 11CS

#### ZONING DESCRIPTION

Beginning at a point on the North side of Klosterman Avenue which is 30 feet wide at a distance of 559 feet East of the center line of the nearest improved intersecting street, Belair Road, which is 72 feet wide. Thence the following courses and distances:

S 40°32'00" W	152.94'
S 50°08'20" E	54.53'
S 40°32'00" E	146.36'
S 49°28'00" E	1.50'
S 38°32'10" W	43.03'
N 57°00'25" W	55.00'

to the place of beginning. Being Lot #2 of the minor subdivision of James T. Neuhauser and wife, dated March 2, 1991, containing 0.199 acres, more or less. The proposed improvements thereon will be known as #4220 Klosterman Avenue located in the 11th Election District.



#82

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: [Signature] Date of Posting: 10/23/91  
Posted for: [Signature]  
Petitioner: [Signature]  
Location of property: [Signature]  
Location of Sign: [Signature]  
Remarks: [Signature]  
Posted by: [Signature] Date of return: 10/23/91  
Number of Signs: 1

#### CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of successive weeks, the first publication appearing on 10/26/91, 1991.

NORTHEAST TIMES BOOSTER and the  
NORTHEAST TIMES REPORTER

*S. Zebe Orlum*

Publisher

# CERTIFICATE OF PUBLICATION

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed rezoning of the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Case Number: 92-81-A  
NE/S Klosterman Avenue, 559' E of c/l Belair Road  
4220 Klosterman Avenue  
11th Election District - 5th Councilmanic  
Legal Owner(s): Kevin C. Fitzpatrick  
Contract Purchaser(s): Keith A. Randlett  
Hearing Date: Friday, Oct. 18, 1991 at 9:00 a.m.  
Variance: To permit the construction of a single family dwelling upon Lot #2.  
Zoning Commissioner of Baltimore County  
HEAR/280 September 28

TOWSON, MD. \_\_\_\_\_, 19\_\_  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_\_ successive weeks, the first publication appearing on \_\_\_\_\_, 19\_\_.

THE JEFFERSONIAN,

*S. Zeke Orlean*  
Publisher

\$21.91



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date

Account: R-001-6150  
Number

Cashier Validation

Please Make Check Payable To: Baltimore County



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date

Account: R-001-6150  
Number

Cashier Validation

Please Make Check Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: \_\_\_\_\_

COPY

With A. Randlett  
1902 Hamilton Avenue  
Baltimore, Maryland 21237

RE:  
Case Number: 92-81-A  
NE/S Klosterman Avenue, 559' E of c/l Belair Road  
4220 Klosterman Avenue  
11th Election District - 5th Councilmanic  
Legal Owner(s): Kevin C. Fitzpatrick  
Contract Purchaser(s): Keith A. Randlett  
HEARING: FRIDAY, OCTOBER 18, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$ \_\_\_\_\_ is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

cc: Michael Marino, Esq.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

SEPTEMBER 13, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-81-A  
NE/S Klosterman Avenue, 559' E of c/l Belair Road  
4220 Klosterman Avenue  
11th Election District - 5th Councilmanic  
Legal Owner(s): Kevin C. Fitzpatrick  
Contract Purchaser(s): Keith A. Randlett  
HEARING: FRIDAY, OCTOBER 18, 1991 at 9:00 a.m.

Variance to permit the construction of a single family dwelling upon Lot #2.

*J. Robert Haines*

Zoning Commissioner of  
Baltimore County

cc: Keith A. Randlett  
Kevin C. Fitzpatrick  
Michael E. Marino Esq.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

September 20, 1991

Michael E. Marino, Esquire  
Ten East Baltimore Street, Suite 1212  
Baltimore, MD 21202

RE: Item No. 82, Case No. 92-81-X  
Petitioner: Kevin C. Fitzpatrick  
Petition for Variance

Dear Mr. Marino:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Keith Randlett  
Mr. Kevin Fitzpatrick

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this  
19th day of August, 1991.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Kevin C. Fitzpatrick  
Petitioner's Attorney: Mike Marino

Baltimore County Government  
Fire Department



700 East Joppa Road, Suite 901  
Towson, MD 21204-5800

(410) 887-4500

SEPTEMBER 16, 1991

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: KEVIN C. FITZPATRICK  
Location: #4220 KLOSTERMAN AVENUE  
Item No.: 82 Zoning Agenda: SEPTEMBER 3, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1990 edition prior to occupancy.

REVIEWED: *James E. Dyer* Noted and  
Planning Group Approved  
Special Inspection Division Fire Prevention Bureau

JF/PER

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 25, 1991  
Zoning Administration and  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Christ-Lutheran Church, Item No. 71  
Fitzpatrick Property, Item No. 82  
Lorenz Construction Co., Item No. 105  
Botzler Associates, Item No. 109  
Stupalski Property, Item No. 113  
Trent Property, Item No. 119  
Boggs Property, Item No. 123  
Duvall Property, Item No. 126

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat

ITEMNO26/TEXTRO2



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
DATE: September 14, 1991

FROM: Robert W. Bowling, P.E.  
Zoning Advisory Committee Meeting  
for September 3, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 85, 86, 84, 82, 85, 86, 89, 90, 93, 94, 96, 97, 98, and 99.

For item 84, see the County Review Group comments for the St. Lukes Apartment site.

For item 91, the previous County Review Group and Public Works Agreement comments remain in effect.

For item 92, the previous County Review Group comments remain in effect.

For item 95, see the County Review Group comments for this site.

For item 101, comments are reserved for this site until the County Review Group meeting.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
October 6, 1991

**RECEIVED**  
OCT 10 1991  
**ZONING OFFICE**

TO: ZONING COMMISSIONER, DEPARTMENT ZONING  
FROM: RICHARD P. SKIM, PLANS REVIEW CHIEF,  
DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM # 82  
PROPERTY OWNER: Kevin C. Fitzpatrick  
Contract Purchaser/Lessee: Keith A. Randlett  
LOCATION: NE/S Klosterman Avenue, 599' E of centerline  
Solace Rd (S4220 Klosterman Ave.)  
ELECTION DISTRICT: 11th  
COUNCILMANIC DISTRICT: 4th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- ( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- ( ) PARKING LOCATION ( ) RAMPS (degree slope)
- ( ) NUMBER PARKING SPACES. ( ) CURB CUTS
- ( ) BUILDING ACCESS ( ) SIGNAGE
- ( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- ( ) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- ( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- ( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 ( BALTIMORE COUNTY BUILDING CODE).
- ( ) OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.  
APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: October 9, 1991

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 3, 1991

This office has no comments for item numbers 84, 82, 85, 88, 89, 90, 91, 93, 94, 96 and 97.

*Rahee J. Famill*  
Rahee J. Famill  
Traffic Engineer II

RJF/lvd

JAMES S. PATTON, P.E.

Mr. Patton has over twenty-five (25) years experience in site engineering, site development services, and land planning for a variety of public and private clients. His experience in the private sector has been in residential, commercial, and industrial site development. His public works experience is broad. He served as an officer in the U.S. Navy Civil Engineer Corps and as City Engineer for Washington, Pennsylvania. In addition, he has provided site engineering and planning services to many local school boards, hospitals, colleges, and institutions in their development and construction programs.

Mr. Patton managed projects ranging in size and scope from a few thousand square feet to areas of more than a thousand acres. His scope of responsibility has included storm water management, water distribution, sanitary sewer, streets, parking areas, grading, wetlands and critical areas, and erosion control. His background includes new development, expansion, restoration and renewal projects.

Site Plan approvals and obtaining permits for site development is a major focus. The ability to overview the various elements of site development such as zoning, environmental concerns, and utilities has been and is an important function performed by Mr. Patton in obtaining approvals and expediting the development of a site.

EDUCATION

SWARTHMORE COLLEGE, Bachelor of Science, Civil Engineering  
UNIVERSITY OF PENNSYLVANIA, Master of City Planning

LICENSES/CERTIFICATIONS

PROFESSIONAL ENGINEER - Pennsylvania, West Virginia (inactive), and Maryland  
COMPREHENSIVE PLANNER - New York, Pennsylvania, West Virginia, and Delaware

PROFESSIONAL EXPERIENCE

1990 - Present PRINCIPAL/PRESIDENT  
PATTON CONSULTANTS, LTD.  
1988 - 1990 CHIEF OF CIVIL ENGINEERING  
LPJ, INC.  
Started the civil engineering department and directed projects as subconsultant, primarily to the architectural community.

